

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

MARK FOCHTMAN, ET AL., INDIVIDUALLY,
and on behalf of all others similarly situated

PLAINTIFFS

V.

CASE NO. 5:18-CV-5047

DARP, INC. and HENDREN PLASTICS, INC.

DEFENDANTS

ORDER

Now pending before the Court is the Defendants' Joint Renewed Motion for Stay of Execution and Permission to Deposit Funds into the Court's Registry Pursuant to Local Rule 67.1 (Doc. 169). The Motion states that Separate Defendant Hendren Plastics, Inc. is prepared to deposit the sum of \$1.7 million in the Registry of the Court to secure the value of the entire money judgment, including estimated interest and costs, while the matter is on appeal. Plaintiffs previously suggested that this amount would be adequate to secure the judgment on appeal, see Doc. 166, pp. 2–3, and the Court agreed, see Doc. 168, p. 2 n.1.

Accordingly, **IT IS ORDERED** that the Joint Renewed Motion for Stay of Execution and Permission to Deposit Funds (Doc. 169) is **GRANTED**. Hendren Plastics, Inc., is **DIRECTED** to remit to the Clerk of Court for the Western District of Arkansas the sum of **\$1,700,000.00** by no later than **June 1, 2020**. The execution of the judgment is **STAYED** until that date. If the full amount of the funds is received by the Clerk by June 1, 2020, the execution of the judgment will **CONTINUE TO BE STAYED** while the case is on appeal. If the full amount of the funds is not received by the Clerk by June 1, 2020, the **STAY WILL BE LIFTED** as of June 2, 2020.

The funds should be sent to the following address:

Douglas F. Young, Clerk of Court
United States District Court for the Western District of Arkansas
30 S. 6th Street
Room 1038
Fort Smith, Arkansas 72901-2437

IT IS FURTHER ORDERED that such sum, to-wit, \$1,700,000.00, shall be deposited by the Clerk into the Registry of this Court, and then as soon as the business of his office allows, the Clerk shall deposit the funds into an interest-bearing account administered by the Administrative Office of the United States Courts pursuant to 28 U.S.C. § 2045, as follows:

NAME OF INSTITUTION: Court Registry Investment System (CRIS)

LENGTH OF TERM OF INVESTMENT: Indefinite

RATE OF INTEREST: Variable

The funds shall remain so deposited or invested, and the interest thereon reinvested in the same account or instrument for a like period of time, until the Clerk advises that the funds shall be withdrawn for disposition pursuant to further order of this Court.

IT IS FURTHER ORDERED that Hendren Plastics, Inc., serve a copy of this Order on the Clerk of Court or upon the financial deputy.

IT IS SO ORDERED on this 18th day of May, 2020.

/s/ Timothy L. Brooks
TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE